

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jean-Jacques ZEILLER, et al.

Examiner: Zucker, Paul A

Serial No.: 10/566,995

Group Art Unit: 1621

Filed: February 2, 2006

Confirmation: 2593

Title: BUTENOIC ACID DERIVATIVES, PROCESSES FOR THE PREPARATION THEREOF, PHARMACEUTICAL COMPOSITIONS COMPRISING THEM, AND USE FOR THE TREATMENT OF DYSLIPIDAEMIA, ATHEROSCLEROSIS AND DIABETES

RESPONSE TO REQUIREMENT FOR ELECTION AND RESTRICTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Requirement for Election and Restriction mailed November 26, 2008, Applicants hereby elect Group I, claims 1-8 and 14. As a single species, Applicants elect: methyl (R,S)-2-methoxy-4-phenylbut-3-enoate, see claim 8, first compound, and the specification at page 20 (Example 2). The requirement for Election and Restriction is respectfully traversed.

It is respectfully submitted that the claims of Groups II-VI, drawn to processes of making the compounds of formula I and to processes of using them, should be maintained in a single application, as explained in Annex B of the PCT rules. Annex B of the PCT rules clearly states that unity of invention “*shall* be found where claims are directed to a product, a process specially adapted for making that product, and a process specially adapted for using that product.” Such is clear this situation here. Accordingly, it is respectfully submitted that unity of invention exists as to groups I-VI, and withdrawal of the Requirement Restriction in this aspect is respectfully requested.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,
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